

a glorious past, with the vital significance of its thrilling present, with the inspiring prospect of its future hope.

And today of all days, now as never before since Goliad, the Alamo and San Jacinto's time, are we called upon to defend those sacred traditions and to emulate those high resolves which brought the achievements of years gone by.

Somewhat more than a century ago, a hundred and eighty-two men—our men—stood beside Travis in the crumbling dust of a mission's walls. It was, as Sidney Lanier has said, one of the most pathetic days of time. All hope was gone. The garrison was outnumbered forty to one. To the people of Texas and to "All Americans in the world," Colonel Travis had sent his heroic message:

"I shall never surrender or retreat I call upon you in the name of liberty, of patriotism, and every thing dear to the American character, to come to our aid with all dispatch If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or Death."

On the fateful date of the final assault, Travis and his men advanced to their positions behind the walls of the Alamo—advanced to the doom of that particular day, but to the immortality of all future time.

In that heroic moment of history, there was set for us a standard of valor, of comradeship, of unselfish devotion, that must be maintained as long as patriotism is deemed a virtue and love of native land a noble attribute of man.

To the challenge of the new day and of the new danger, I have no doubt that Texas and Texans—in the continuing spirit of the Alamo—will make answer just as bold, just as unselfish, just as heroic as that of William Barret Travis and his brave men, and that we, too, will give all of the strength, all of the power, all of the courage with which God has endowed us, to preserve the sacred heritage of the past, to protect our noble land, and to defend the rights of men everywhere to be free. May God bless us and guide us in our noble aspirations.

At the conclusion of the address by the Governor, Speaker Leonard announced the purpose of the joint session had been accomplished.

Adjournment

Whereupon, at 1:00 o'clock p. m., the Senate (pursuant to H. C. R. No. 14) stood adjourned until 10:00 o'clock a. m. tomorrow, January 22, 1941.

SIXTH DAY

(Wednesday, January 22, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

A quorum was announced present.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of fifth legislative day was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

Senator Ramsey was granted leave of absence for today on account of illness, on motion of Senator Shivers.

Reports of Standing Committees

Senator Metcalfe, by unanimous consent, submitted the following reports of the Committee on Military Affairs:

Austin, Texas,
January 22, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 36, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as Camp Hulen at or near Palacios, Matagorda County, Texas, now owned and held in trust by the State of Texas for the use and benefit of the 36th Division, Texas National Guard, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable;"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,
January 22, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal service, and to provide for the organization, maintenance, training, and discipline thereof; and declaring an emergency;"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Senator Fain, by unanimous consent, submitted the following report of the Committee on Internal Improvements:

January 21, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 39, A bill to be entitled "An Act amending Section 5 of Senate Bill No. 175, passed at the Regular Session of the 46th Legislature and known as Chapter 15, page 285, of the General Laws, passed at said Regular Session of the 46th Legislature, etc.; and declaring an emergency;"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Chairman.

Communication from Austin Camp of Gideons

The President laid before the Senate and had read the following communication:

The Senate of Texas:

The Austin Camp of Gideons will be glad to place a copy of the Bible on each Senator's desk for his use during this session. At the close of the session, we will remove the Bibles and care for them until the next session.

AUSTIN GIDEON CAMP,
JOE CROW, President.

On motion of Senator Cotten, the offer contained in the communication was accepted by the Senate.

Signing of Senate Concurrent Resolution 2

The President in the presence of the Senate, signed S. C. R. No. 2, in memory of Hon. George Edward Robinson, Sr.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Hazlewood:

S. B. No. 40, A bill to be entitled "An Act amending Section 6 of Senate Bill No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, Page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisition of the Commissioner of the General Land Office; transferring any sum remain-

ing to the Permanent School Fund; providing that the amount accruing to the State of Texas for the sale of land under said Act shall be placed to the credit of the Permanent School Fund; and declaring an emergency."

To Committee on Finance.

By Senator Moore:

S. B. No. 41, A bill to be entitled "An Act amending Section 2a of Senate Bill No. 297, passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 13, Page 282, of the General Laws passed at said Regular Session of the Forty-sixth Legislature, relating to assignments of salaries of teachers and school employees; and declaring an emergency."

To Committee on Internal Improvements.

By Senators Metcalfe, Smith, Lanning, Mauritz and Stone:

S. B. No. 42, A bill to be entitled "An Act amending Article 2698 R. S., providing for the State Superintendent, on recommendation of the Director of School Census, to request the State Board of Education because of public calamity to authorize an increase to cover teacher costs; defining public calamity; limiting amount of scholastic increase to added teachers cost; requiring formal application; presentation of budget; comparison of former censuses; and requiring a report on increased valuation and added obligations; requiring recommendation of Director of Census and request of the State Superintendent of Public Instruction and approval by the State Board of Education; listing items contained in application for benefits of scholastic increase; providing for adjustments of scholastic census during fiscal school year in which emergency occurs; and declaring an emergency."

To Committee on Education.

By Senators Metcalfe and Brownlee:

S. B. No. 43, A bill to be entitled "An Act to amend Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended by Section 1, Chapter 23, Acts 1939, Forty-first Legislature, Fifth Called Session, defining 'Commercial Motor Vehicle'; Section 6, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of Commercial Motor Vehicles;

Section 7, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of road tractors; Section 8, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of trailers or semi-trailers; Section 8A, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of motor busses; Section 8B, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prohibiting registration of commercial motor vehicles size of which are illegal with certain exceptions; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Spears:

S. B. No. 44, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Health Officer to define and fix the specifications and standards for certain meat and meat food products as defined in the Act; providing that specifications and standards defined and fixed shall be in harmony with the regulations contained and set out in this Act; providing for the adoption by cities of specifications and regulations as a basis for issuing permits under this Act; providing for the issuing of permits by the State Health Officer; authorizing city and county health officers and the State Health Officer to revoke permits and for city and county health officers to report to the State Health Officer all permits revoked; requiring the State Health Officer to keep records for public inspection of permits issued and revoked; forbidding the unauthorized use of the 'Texas State Approved' label on meat and meat food products; forbidding the labeling or advertising of meat and meat products as 'Texas State Approved' without a valid permit; exempting retail dealers from the provisions of this Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of meat and meat food products and to revoke permits; prohibiting the duplication or reproduction of labels authorized under this Act and the use of any unauthorized label; enabling cities to require all

meat and meat products sold within their jurisdiction to be labeled; providing penalties for the violation of this Act; providing that if any portion of the Act be held unconstitutional, inoperative, or invalid, the remainder of the Act shall be unaffected thereby; repealing all laws or parts of laws inconsistent herewith; and declaring an emergency."

To Committee on Public Health.

By Senator Winfield:

S. B. No. 45, A bill to be entitled "An Act authorizing counties having an assessed valuation of not less than \$20,000,000.00 and a population of not more than three persons per square mile to vote, levy, assess and collect a county-wide school maintenance tax; providing for the apportionment and administration thereof; making other provisions related to such subject; repealing all laws in conflict herewith to the extent of such conflict; specifically repealing Chapter 7, 43rd Legislature, First Called Session and Chapter 54, 45th Legislature, with the provision that such repeal shall not affect taxes heretofore levied thereunder; validating all Acts done, elections held, for any purpose which are authorized by this Act, and validating taxes levied in such counties; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 46, A bill to be entitled "An Act to amend Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Section 2 of Chapter 2, Acts of the Forty-sixth Legislature, Regular Session, 1939, page 296, relative to poll tax books; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Brownlee:

S. B. No. 47, A bill to be entitled "An Act to amend Article 2961 and Article 2962 of the Revised Civil Statutes of Texas, 1925, relative to mode of paying poll tax; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Spears:

S. B. No. 48, A bill to be entitled "An Act providing for the employ-

ment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; prescribing the qualifications and duties of said supervisors and defining their powers; providing the compensation to be paid to such supervisors and the method of paying same; providing the County Board of School Trustees shall have the power to discontinue the office of such supervisors whenever advisable; providing that in compliance with this Act in any of the counties affected hereby shall exempt the County Superintendent from holding a Teachers Institute, and shall exempt the teachers from attending Teachers Institute, as now required by Article 2691, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on Counties and County Boundaries.

Messages from the Governor

The President laid before the Senate and had read, the following messages, previously received from the Governor:

Austin, Texas,
January 17, 1941.

To the Members of the Forty-seventh Legislature:

I hereby submit to you as an emergency matter for your immediate consideration a bill to amend the taxing provisions of the Texas Unemployment Compensation Act in such a way as to secure Federal approval thereof. It is "A Bill to be entitled An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session; providing for determining the amount of contributions by employers and defining certain terms, and providing for the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

The enactment of this amendment to the Texas Unemployment Compen-

sation Act will result in a saving of approximately \$10,000,000 during the year 1941 to the employers of Texas who are paying the unemployment tax.

As you know, the Federal unemployment tax is a tax levied upon every employer of eight or more individuals in the United States and the Texas unemployment tax is a complement thereto. The Federal Act makes provision for crediting against the Federal tax unemployment taxes paid to Texas by Texas employers, and during the last four years employers in Texas have been granted that full credit for the unemployment taxes they have paid this State. Ninety per cent of the amount of the Federal unemployment tax levy, therefore, actually went into the Texas Unemployment Compensation Fund during these years. For example, during the year 1940, two and seven-tenths per cent of an employer's taxable wages were paid to Texas and only three-tenths of one per cent of those same wages were paid to the Federal Government.

At the Regular Session of the 46th Legislature, Section 7 of the Texas Unemployment Compensation Act was amended so as to inaugurate, beginning in January of 1941, an unemployment tax rate based upon the employment record of each individual employer. This amendment was passed so as to take advantage of the provisions of the Federal Tax Act which permitted additional credit against the Federal tax equal to the amount of the savings permitted by a reduced rate under a state unemployment tax law, provided the state law met the standards set by the Federal Statute and the Social Security Board. This meant that a Texas employer who had a good employment record could have this tax rate reduced below two and seven-tenths per cent and still obtain credit against his Federal tax the same as if he had paid to the State two and seven-tenths per cent. In other words, he would be given credit for full ninety per cent of the Federal tax levied, even though he actually paid Texas less than that amount.

The Social Security Board refused to approve the Texas amendment since it did not, in their opinion, meet the standards set out by the Federal Act. The Board in their disapproval stated that in order to obtain credit for the reduced rate to employers in

this State for the year 1941, the Unemployment Tax Law must be amended in such a way as to permit consideration of the employer's actual experience with unemployment during the years 1938, 1939, and 1940. The Board stated that if the Texas law were amended in this way, they would approve the reduced rates for credit against the Federal tax.

A bill effecting the necessary changes was drafted and submitted to the Social Security Board prior to its being submitted to you. This is that bill. The Board has approved this amendment and has stated that the lower rates provided in this amendment to employers with good records will be approved for credit against the Federal tax beginning in 1941, if the bill is made law. It is equally true that if the bill is not made law at once, Texas employers must continue to pay Federal and State unemployment taxes amounting to three per cent of their pay rolls. Of this three per cent, the Texas employer with the lowest rate under Texas law will pay Texas only one-half of one per cent. He will pay the Federal Government two and one-half per cent. Furthermore, Texas employees out of work will receive the benefit only of the smaller amount because it is the tax collected by Texas alone which is paid into the Unemployment Trust Fund of this State.

Your passage of this legislation as it is written is indispensable to the tax saving which I have mentioned. This is emergency legislation which I urge you to consider as such. Finally, I wish to stress again the urgency of your enacting this particular bill as written. I agree with many of you that probably some changes in the Texas Unemployment Compensation Act other than the one now sought to be effected are necessary, but I point again to the fact that the present bill is designed to effect immediately a lower tax rate for the present year 1941. I feel that the necessity for its speedy enactment justifies my sincere request that no amendments or additions be proposed in either House. I ask that such amendments and additions be reserved for consideration later in this session in bills designed for that purpose.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Austin, Texas,
January 21, 1941.

To the Members of the Forty-seventh Legislature:

I hereby submit to you a bill which should be enacted in this session of the Legislature, in connection with our Texas Defense Guard.

The fact that the regularly constituted National Guard of the State of Texas is now in Federal Service by Presidential Order, and the State is without adequate troops that may be used for the prevention of civil disturbances, riots, sabotage, and other forms of disturbances, and the further fact that without this Act the State of Texas is unable to secure arms and to purchase equipment and other items of Government property, create an emergency and an imperative public necessity which would seem to demand that the constitutional rule requiring bills to be read on three several days in each House be suspended.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Advance Printing of Senate Bill 29

On motion of Senator Shivers, S. B. No. 29 was ordered printed in advance of its consideration in committee.

Senate Resolution 15

Senator Van Zandt offered the following resolution:

Whereas, The House of Representatives has installed automatic electric vending machines for the refrigeration of cold drinks, and

Whereas, It will save time of pages and expense to the membership of the Senate to install similar machines in the back hall of the Senate Chamber; therefore, be it

Resolved by the Senate of Texas, That the Lieutenant Governor be and is hereby authorized to permit the installation of such machines in the back hall of the Senate Chamber or at any other place he may direct, under such conditions and restrictions as his judgment may deem best and for such time as he may allow.

The resolution was read.

Senator Spears moved to table the resolution.

Senator Metcalfe moved to refer the resolution to the Committee on Contingent Expenses.

Question first recurring on the motion to refer, it prevailed.

Messages from the Governor

A Secretary of the Governor was announced by the Doorkeeper, and was recognized by the President, to present the following messages, which were read to the Senate and referred to the Committee on Nominations of the Governor:

January 22, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Veterinary Medical Examiners for two year terms to expire January 17, 1943:

Paul P. Bouriskie, Port Arthur, Jefferson County (reappointment);

A. C. Burns, Cleburne, Johnson County (reappointment);

M. A. Peck, Fort Worth, Tarrant County (reappointment);

Archie Stalling, Houston, Harris County (reappointment);

O. E. Wolfe, Big Spring, Howard County (reappointment);

R. L. Rhea, San Antonio, Bexar County (reappointment);

W. R. Younger, Whitesboro, Grayson County.

W. LEE O'DANIEL,
Governor of Texas.

January 22, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Secretary of State concurrent with my tenure of office:

Wm. J. Lawson of Walker County, Texas.

W. LEE O'DANIEL,
Governor of Texas.

January 22, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the State Board of Public Accountancy for two year terms to expire January 17, 1943:

J. B. Allred, Wichita Falls, Wichita County (reappointment);

Clifton H. Morris, Fort Worth, Tarrant County (reappointment);

O. H. Maschek, Beaumont, Jefferson County (reappointment);

H. V. Robertson, Amarillo, Potter County (reappointment);

W. T. Chumney, San Antonio, Bexar County.

W. LEE O'DANIEL,
Governor of Texas.

January 22, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Chief Justice of the Eighth Court of Civil Appeals at El Paso, to fill the unexpired term of Chief Justice Joseph M. Nealon, deceased, term to expire at end of election year, December 31, 1940:

Judge P. R. Price of El Paso, El Paso County.

To be Members of the State Board of Pharmacy for six year terms expiring June 14, 1945:

Russell L. Wilson of Livingston, Polk County;

B. B. Brown of Dallas, Dallas County.

To be a Member of the Board of Examiners of Land Surveyors:

(Life-time appointment)

A. C. Stimson of Houston, Harris County (Life time appointment).

To be a Member of the Board of Architectural Examiners for a six year term expiring July 7, 1945:

Thomas D. Broad of Dallas, Dallas County.

To be Members of the Board of Barber Examiners for two year terms expiring October 14, 1941:

M. O. Speir of Austin, Travis County;

E. E. Mimms of Fort Worth, Tarrant County.

To be Members of the Texas Advisory Civil Judicial Council for six year terms expiring August 11, 1945:

Marion N. Chrestman of Dallas, Dallas County (reappointment);

Robert W. Stayton of Austin, Travis County (reappointment);

Frank Hartgraves of Menard, Menard County.

To be Members of the Board of Chiropractic for six year terms expiring August 11, 1945:

Dr. Graham A. Scuddy of Beaumont, Jefferson County;

Dr. Clifford H. Robinson of Fort Worth, Tarrant County.

For four year terms expiring August 11, 1943:

Dr. Marshall Harvey of Lubbock, Lubbock County;

Dr. Edward H. Mott of Austin, Travis County.

For two year terms expiring August 11, 1941:

Dr. Riley C. Armstrong of Houston, Harris County;

Dr. Roy C. Bates of San Antonio, Bexar County.

To be Members of the Board of Optometry for six year terms ending August 11, 1945:

Dr. T. M. Montgomery of Amarillo, Potter County;

Dr. Mollie Armstrong of Brownwood, Brown County.

To be State Banking Commissioner for a two year term expiring September 1, 1941:

Fred C. Branson of Galveston, Galveston County.

To be a Member of the Board of Hairdressers and Cosmetologists for a six year term expiring August 9, 1945:

Mrs. Ella Mae Murphy of Corpus Christi, Nueces County.

To be Members of the Board of Regents, Texas College of Arts and Industries, at Kingsville, for six year terms ending June 25, 1945:

R. H. Kerns, Jr., of Mercedes, Hidalgo County;

Miller Ainsworth of Luling, Caldwell County;

James R. Dougherty of Beeville, Bexar County.

To be Judge, Forty-first District Court at El Paso, Texas, to fill unexpired term of P. R. Price, resigned, term to expire at end of election year, December 31, 1940:

Judge David E. Mulcahy of El Paso, El Paso County.

To be a Member of the Board of Water Engineers for a six year term expiring August 19, 1945:

C. S. Clark of Austin, Travis County (reappointment).

To be Members of the Board of Public Welfare:

Marvin Leonard of Fort Worth, Tarrant County (Six year term expiring January 20, 1945);

Beeman Strong of Beaumont, Jefferson County (Four year term expiring January 20, 1943);

M. E. Sadler of Austin, Travis County (Two year term expiring January 20, 1941).

To be Members of the Game, Fish and Oyster Commission, for six year terms expiring September 1, 1945:

W. O. Yarborough of Corpus Christi, Nueces County;

D. K. Martin of San Antonio, Bexar County.

To be State Auditor for a two year term ending September 13, 1941:

Tom C. King of Dallas, Dallas County (reappointment).

To be a Member of Central Colorado River Authority to fill unexpired term of Dr. T. R. Sealy, deceased, term to expire January 1, 1945:

O. L. Cheaney of Santa Anna, Coleman County.

To be Members of the State Board of Professional Engineers for six year terms expiring September 24, 1945:

Carl Lars Svenson of Lubbock, Lubbock County;

Allin F. Mitchell of Corsicana, Navarro County.

To be a Member of the State Board of Control to serve the unexpired term of Claude Teer, deceased, term to expire December 31, 1941:

Frank Davis of Itasca, Hill County.

To be Member and Chairman of the State Liquor Control Board for a six year term expiring November 15, 1945:

Dr. W. D. Bradfield of Dallas, Dallas County.

To be Judge of the Court of Criminal Appeals of Texas, to fill the unexpired term of Judge W. C. Morrow, resigned, term expiring at end of election year, December 31, 1940:

Tom L. Beauchamp of Tyler, Smith County.

To be Secretary of State to fill unexpired term of Tom L. Beauchamp, resigned, term to expire January 21, 1941:

M. O. Flowers of Lockhart, Caldwell County.

To be Chairman of the State Commission for the Blind to fill the unexpired term of James A. Boddeker, deceased, whose term expires January 1, 1941:

P. B. Keller of Dallas, Dallas County.

To be a Member of the Board of Public Welfare, to fill out unexpired term of Beeman Strong, resigned, term to expire January 20, 1943:

Frank S. Roberts of Breckenridge, Stephens County.

To be Associate Justice of the Court of Civil Appeals at Waco, to fill unexpired term of Judge Ballard W. George, deceased, term to expire at end of election year, December 31, 1940:

Judge Jake Tirey of Waco, McLennan County.

To be a Member of the Teacher Retirement Board, for a six year term expiring August 31, 1945:

Miss Quata Woods of Dallas, Dallas County.

To be a Member of the Texas Advisory Civil Judicial Council to fill unexpired term of Paul Bolton, resigned, term expiring July 1, 1941:

George Waverley Briggs of Dallas, Dallas County.

To be Adjutant General of Texas, to fill unexpired term of Harry Knox, Jr., resigned, term expiring January 17, 1941:

J. Watt Page of Fort Worth, Tarrant County.

To be a Member of the Board of Control, for a six year term ending December 31, 1945:

Harry Knox, Jr., of Austin, Travis County.

To be a Member of the Commission of Public Safety, for a six year term expiring January 1, 1945:

Judge Edwin C. Lacy of Longview, Gregg County.

To be Associate Justice of the Fourth Court of Civil Appeals at San Antonio, to fill unexpired term of Judge C. S. Slatton, resigned, term expiring December 31, 1940, end of election year:

Judge J. R. Norvell of Edinburg, Hidalgo County.

To be Judge of the 69th Judicial District, to fill the unexpired term of Judge Reese Tatum, deceased, whose term expires at end of election year, December 31, 1940:

James W. Witherspoon of Hereford, Deaf Smith County.

To be District Attorney of the 69th Judicial District, to fill unexpired term of Judge James Witherspoon, resigned, whose term expires at end of election year, December 31, 1940:

Milton Tatum of Dalhart, Dallam County.

To be District Attorney of the 24th Judicial District, to fill unexpired term of Howard Green, resigned, whose term expires at end of election year, December 31, 1940:

Frank Martin of Goliad, Goliad County.

To be District Judge of the 24th Judicial District, to fill unexpired term of Judge J. P. Pool, deceased, whose term expires at end of election year, December 31, 1940:

Howard P. Green of Refugio, Refugio County.

To be Members of the Board of Directors of Guadalupe-Blanco River Authority, for six year terms ending February 1, 1945:

I. A. Ogden of New Braunfels, Comal County;

E. A. Schumann of New Braunfels, Comal County;

H. A. Wagenfuehr of New Braunfels, Comal County.

To be a Member of the Board of Regents of the University of Texas, to fill the unexpired term of Dr. Edward Randall, resigned, whose term expires January 10, 1941:

Fred C. Branson of Galveston, Galveston County.

To be Presiding Judge of the Ninth Administrative Judicial District, to fill the unexpired term of Reese Tatum, deceased, (office terminated by death, resignation or expiration of term of office as District Judge.):

W. R. Ewing of Pampa, Gray County.

To be a Member of the Upper Red River Flood Control and Irrigation District to fill unexpired term of G. W. Farmer, resigned, whose term expires July 3, 1943:

Leonard White of Childress, Childress County.

To be a Member of the State Banking Commission to fill unexpired term of Fred C. Branson, (appointed Member of Board of Regents of The University of Texas), term to expire September 13, 1941:

Lee Brady of Mart, McLennan County.

To be a Member of the Board of Public Welfare, to fill unexpired term of M. E. Sadler, resigned, term to expire January 20, 1941:

Dr. Thomas H. Taylor of Brownwood, Brown County.

To be District Judge of the 76th Judicial District to fill unexpired term of R. T. Wilkinson, Jr., resigned, whose term expires at end of election year, December 31, 1940:

R. T. Wilkinson, Sr., of Mt. Vernon, Franklin County.

To be Chief Justice of the Supreme Court of Texas, to fill unexpired term of Judge C. M. Cureton, deceased, whose term expires at the end of the election year, December 31, 1940:

W. F. Moore of Paris, Lamar County.

To be District Judge of the 85th Judicial District, to fill unexpired term of Judge W. C. Davis, deceased, whose term expires at end of election year, December 31, 1940:

W. S. Barron of Bryan, Brazos County.

To be Presiding Judge of the Second Administrative Judicial District of Texas to fill unexpired term of Judge W. C. Davis, deceased, term to expire at death, resignation or expiration of term of office as District Judge:

Max M. Rogers of Huntsville, Walker County.

To be Members of the Texas Library and Historical Commission:

John H. Payne of Austin, Travis County (To fill unexpired term of George D. Sears, resigned, whose term expires September 28, 1941);

Dr. Edmund Heinsohn of Austin, Travis County (To fill the unexpired term of L. W. Kemp, resigned, whose term expires September 28, 1944).

To be a Member of the Industrial Accident Board for a six year term expiring September 1, 1945:

T. B. Hill of Austin, Travis County.

To be Casualty Insurance Commissioner to fill unexpired term of R. G. Waters, resigned, term to expire February 10, 1941:

Reuben Williams of Fort Worth, Tarrant County.

To be a Member of the Board of Barber Examiners for a two year term expiring October 14, 1942:

O. J. Kidwell of Mineral Wells, Palo Pinto County.

To be a Member of the Board of Directors of the Lower Colorado River Authority to fill unexpired term of T. H. Davis, resigned, term to expire January 1, 1943:

John H. Payne of Austin, Travis County.

To be a Member of the Texas Advisory Civil Judicial Council, to fill unexpired term of R. L. Ball, deceased, whose term expires November 3, 1943:

W. R. Chapman of Abilene, Taylor County.

To be a Member of the Board of Nurse Examiners, to fill the unexpired term of Sister Mary Gertrude Giblin, resigned, whose term expires April 9, 1943:

Sister Antonia O'Donoghue of Dallas, Dallas County.

To be a Member of the Texas Library and Historical Commission to fill the unexpired term of John H. Payne, resigned, whose term expires September 25, 1941:

A. C. Bull of Austin, Travis County.

To be Chairman and Director of the Texas Unemployment Compensation Commission for a six year term expiring November 21, 1946:

Claude A. Williams of Austin, Travis County.

To be Associate Justice of the Court of Civil Appeals, Tenth Supreme Judicial District of Texas to fill unexpired term of Judge James P. Alexander, (elected Chief Justice of the Supreme Court of Texas) term to expire at end of election period, December 31, 1942:

Joseph Weldon Hale of Waco, McLennan County.

To be Members of the State Board of Education for six year terms expiring January 1, 1947:

Joe Frost of San Antonio, Bexar County;

Maco Stewart of Galveston, Galveston County;

Pat Hooks of Itasca, Hill County.

To be Life Insurance Commissioner and Chairman of the Board of Insurance Commissioners to fill the unexpired term of Walter Woodward, deceased, term to expire February 10, 1945:

Reuben Williams of Fort Worth, Tarrant County.

To be Casualty Insurance Commissioner to fill the unexpired term of Reuben Williams (appointed Life Insurance Commissioner and Chairman of the Board of Insurance Commissioners) term to expire February 10, 1941:

Joseph P. Gibbs of Seguin, Guadalupe County.

To be Members of the Board of Directors of the Central Colorado River Authority, for six year terms to expire January 1, 1947:

C. W. Woodruff, Coleman, Coleman County;

W. J. Stevens, Coleman, Coleman County;

Joe B. Pouns, Coleman, Coleman County.

To be Members of the Board of Directors of the Upper Colorado River Authority for six year terms to expire January 1, 1947:

W. D. Holcombe, San Angelo, Tom Green County;

Dan Campbell, Robert Lee, Coke County;

C. L. Green, Winters, Runnels County.

To be Presiding Judge of the Third Administrative Judicial District to succeed Ralph Yarborough; term to expire at death, resignation or expiration of term of office as District Judge:

Roy C. Archer of Austin, Travis County.

To be District Judge of the 83rd Judicial District, to succeed C. R. Sutton, term to expire at end of election period, December 31, 1942:

H. O. Metcalfe of Marfa, Presidio County.

To be Presiding Judge of the Seventh Administrative Judicial District to succeed Judge W. R. Chapman, term to expire at death, resignation

or expiration of term of office as District Judge:

J. A. Drane of Pecos, Reeves County.

To be Members of the Pease River Flood Control District Board of Directors, terms to expire October 31, 1945:

Dr. Hines Clark, Crowell, Foard County;

J. H. Allison, Wichita Falls, Wichita County;

Harry Koch, Quanah, Hardeman County.

W. LEE O'DANIEL,
Governor of Texas.

Senate Bill 39 on Second Reading

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 39.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

On motion of Senator Moore and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of S. B. No. 39 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 39, A bill to be entitled "An Act amending Section 5 of Senate Bill No. 175 passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 15, page 285, of the General Laws passed at said Regular Session of the Forty-sixth Legislature so that Section 5 of said Senate Bill No. 175 shall

hereafter read as follows: 'No bonds authorized to be issued or executed under this Act shall be issued or executed after the expiration of four years after the effective date of this Act'; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 39 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

Report of Committee on Senate Bill 41

Senator Fain, by unanimous consent submitted at this time, the following report of the Committee on Internal Improvements:

Austin, Texas,
January 22, 1941.

Honorable Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Internal Improvements, to whom was referred Senate Bill No. 41 by Moore, A bill to be entitled:

"An Act amending Sec. 2a of Senate Bill No. 297 passed at the Regular Session of the Forty-sixth Legislature and known as Chapter 13, Page 282, of the General Laws passed at said Regular Session of the Forty-sixth Legislature, relating to assignments of salaries of teachers and school employees; and declaring an emergency;"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Chairman.

Senate Bill 41 on Second Reading

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration and passage of S. B. No. 41 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 41 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	

Absent—Excused

Ramsey York

On motion of Senator Moore and by unanimous consent, Senate rules 31a and 48 were suspended, to permit consideration and passage of S. B. No. 41 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 41 on Third Reading

The President then laid Senate Bill No. 41 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Hill	Shivers
Isbell	Smith

Spears	Vick
Stone	Weinert
Sulak	Winfield
Van Zandt	

Absent—Excused

Ramsey	York
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Adjournment

On motion of Senator Stone, the Senate, at 11:10 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

SEVENTH DAY

(Thursday, January 23, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

York

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Lovelady:

S. B. No. 49, A bill to be entitled "An Act providing for the payment of the salary of district court reporters out of the General Fund of the State of Texas; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Martin, Kelley, Shivers, Mauritz, Moore, Hazlewood, Stone and Moffett:

S. B. No. 50, A bill to be entitled "An Act providing for the granting and issuance of easements or surface leases to the United States of America by the School Land Board on any island, salt water lake, bay, inlet, or marsh within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of the State of Texas, for any purpose essential for the National Defense; retaining for the State of Texas all oil and gas and other mineral rights in and under such areas; providing that the consideration to be paid the State therefor shall be agreed upon by the School Land Board and the United States of America; subordinating all existing grass leases to such easements or surface leases; providing for the suspension of the primary and principal terms and rental obligations of existing oil and gas leases affected hereby for the duration of such easements or surface leases upon the filing of the subordination agreements by holders of such oil and gas leases; providing for notice to such oil and gas lessees of the termination of such easements or surface leases; excluding from the terms hereof all areas where oil, gas or other mineral production exists; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Kelley:

S. B. No. 51, A bill to be entitled "An Act requiring all Railroad Companies to equip cabooses with electric lights; providing a penalty; providing that if any section, sentence or clause shall be declared invalid, other sec-